

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 1:04-cr-00048-MR-WCM-2**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THOMAS C. WILSON,

Defendant.

)
)
)
)
)
)
)
)
)
)

ORDER

THIS MATTER is before the Court on the Defendant's "Motion to Reduce Sentence under the First Step Act" [Doc. 100].

The Defendant is currently serving an eighteen-month term of imprisonment on a supervised release violation. [See Doc. 98]. In his motion, the Defendant challenges the computation of his sentence credit by the Bureau of Prisons, arguing that he is entitled to retroactive good time on his original sentence pursuant to the First Step Act of 2018, and that such credit should be applied to his current revocation sentence. [Doc. 100].

The Attorney General, not the sentencing court, is responsible for computing a prisoner's sentence credit. United States v. Wilson, 503 U.S. 329, 335 (1992). A prisoner seeking review of the computation of his

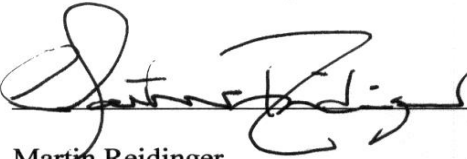
sentence credit must first seek administrative review of that computation through the Bureau of Prisoners. Only after such administrative remedies have been exhausted can a prisoner then seek judicial review of his sentence computation. Id. Further, because “[a] claim for credit against a sentence attacks the computation and execution of a sentence rather than the sentence itself,” United States v. Miller, 871 F.2d 488, 490 (4th Cir. 1989), such claims must be raised pursuant to 28 U.S.C. § 2241 in the district of confinement. In re Jones, 226 F.3d 328, 332 (4th Cir. 2000); United States v. Lowe, No. 1:15CR11-1, 2019 WL 3858603, at *3 (M.D.N.C. Aug. 16, 2019).

Here, the Defendant claims to have exhausted all his administrative remedies. [See Doc. 100 at 1-2]. Accordingly, the Defendant should seek judicial review in the district of his confinement.

IT IS, THEREFORE, ORDERED that the Defendant’s “Motion to Reduce Sentence under the First Step Act” [Doc. 100] is **DENIED**.

IT IS SO ORDERED.

Signed: March 11, 2020


Martin Reidinger
United States District Judge

